



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner Hughes Samuel

AFFIDAVIT FOR DISQUALIFYING AN EXAMINER

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

December 18, 1995

Sir:

Under federal law according to 28 U.S. Judiciary and Judicial Procedure Code 144, any first judge assigned to a case can be automatically disqualified without the need of proving he is prejudiced. In view of the Equal Protection Clause (XIVth Amendment, Section 1 to the U.S. Constitution) the first examiner assigned to a patent application case could not be favored as compared with a federal judge. Therefore and according to 37 C.F.R. 1.3, the applicant petitions with deference the Commissioner for the disqualification of Examiner Tom Hughes from the case of patent application serial No. 08/321,589 filed on 10/12/1994, because this examiner is clearly biased against the applicant.

The applicant has taken good notice that the next Examiner could not be disqualified without proving that this new Examiner would be actually biased against the applicant.

Respectfully submitted

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31 (NE)
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Please Abandon 08/321 589

The Notice of Appeal (#29) is late
The 1 month extension extended the
time until 11/3/95 - the N. of Appeal
was filed 12/1/95

Return 08/321, 589 } 580 493 to

Application Branch

08/580, 493 was filed on 12/29/95
per cent 08/321, 589 was abandoned as of 11/3/95

The FWC should not have been
accepted.

Marcus

SPRE Group 3200

2/8/96